HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.202 OF 2001

Between:

M/s. Ramakrishna Auto Centre,
BPC Dealers, Vizag Road, Vizianagaram,
per its' Proprietor P. Rama Rao, 45 years

… Petitioner

AND

Bharat Petroleum Corporation,
Bharat Bhavan 4 & 6,
Currimbhoy Road, Ballard Estate,
Mumbai – 400 001 and another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Smt. G. Jhansi

Counsel for the respondents : Shri O. Manohar Reddy

August 10, 2007

This petition is directed against order dated 4-1-2001 passed by Territory Manager (Retail), Bharat Petroleum Corporation (respondent No.2) vide which he suspended the licence of the petitioner on the ground of violation of the conditions incorporated in agreement dated 3-2-1995.

One of the grounds on which the petitioner challenged the impugned communication is that it was not given copies of the laboratory test report and inspection report and on that account, it did not get effective opportunity to show cause against the proposed action.

In paragraph 7 of the counter affidavit filed by Shri K. Murali, Area Marketing Manager, Bharat Petroleum Corporation, it has been averred that copy of the laboratory report was supplied to the petitioner.

During the course of hearing, I asked Shri O. Manohar Reddy, learned counsel for the petitioner to produce any document before the Court to show that copy of the laboratory test report etc., had been furnished to the petitioner along with the show cause notice. In reply, the learned counsel stated that no such document is available with him. It is thus evident that the order under challenge was passed without complying with the rules of natural justice.

Hence, the writ petition is allowed. Order dated 4-1-2001 is quashed with liberty to the competent authority of the Corporation to pass fresh order after supplying copies of the laboratory test report and inspection report to the petitioner and giving it an opportunity to represent against the same.

As a sequel to allowing of the writ petition, WPMP No. 227 of 2001 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

August 10, 2007

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